

HOUSE No. 3728

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act amending the charter of the town of Chelmsford relative to the recall of elected officers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>9/16/2011</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>9/22/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>9/21/2011</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>	<i>9/22/2011</i>
<i>Susan C. Fargo</i>		<i>9/21/2011</i>

HOUSE No. 3728

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 3728) of Thomas A. Golden, Jr. and others (by vote of the town) relative to amending the charter of the town of Chelmsford relative to the recall of elected officers. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act amending the charter of the town of Chelmsford relative to the recall of elected officers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3-12 of the charter of the town of Chelmsford, which is on file in
2 the office of the archivist of the commonwealth as provided in section 12 of chapter 43B of the
3 General Laws, is hereby amended by striking out subsection (b) and inserting in place thereof the
4 following subsection:-

5 (b) Recall Affidavit and Petition.

6 SECTION 2. Said subsection (b) of said section 3-12 of the charter is hereby further
7 amended by striking out paragraph (i) and inserting in place thereof the following paragraph:-

8 (i) A recall petition may be initiated by the filing of an affidavit, on a form provided by
9 the town clerk, containing the name of the officer sought to be recalled, appearing as registered
10 on the current voting list prepared under sections 37 and 37A of chapter 51 of the General Laws,
11 and a statement of the grounds for recall. The town clerk shall provide to the person requesting
12 the affidavit form the name of the person whose recall is sought as it appears on the current

13 voting list. Such affidavit shall be signed by at least 25 voters from each of the precincts into
14 which the town is divided for the purpose of electing town meeting members. Signatures shall be
15 collected on a single affidavit form for each precinct; provided, however, that if the affiants wish
16 to collect more signatures than can be accommodated on a single form, an additional form may
17 be requested from the town clerk. Blank affidavit forms shall not be photocopied or otherwise
18 reproduced. The town clerk shall, within 24 hours of receipt, submit the affidavit to the
19 registrars of voters, who shall, within 5 working days, certify thereon the number of signatures
20 which are names of registered voters of the town.

21 SECTION 3. Said subsection (b) of said section 3-12 of the charter is hereby further
22 amended by striking out paragraph (ii) and inserting in place thereof the following paragraph:-

23 (ii) The town clerk shall, within 5 business days following said certification, make
24 available to the lead petitioner, as designated on the affidavit, copies of petition blanks
25 containing the number of signatures required below, multiplied by 5, demanding such recall,
26 copies of which printed forms the town clerk shall keep available. Such blanks shall be issued
27 by the town clerk, with signature and official seal attached thereto. They shall be dated, shall be
28 addressed to the selectmen and shall contain the names of the lead petitioner and the voter first
29 named on each of the precinct affidavits, the number of blanks so issued, the name of the person
30 whose recall is sought appearing as registered on the current voter list, the office from which
31 removal is sought, the grounds of recall as stated in the affidavit, and shall demand the election
32 of a successor in the said office. A copy of the petition shall be entered in a record book to be
33 kept in the office of the town clerk. Blank recall petitions shall not be photocopied or
34 reproduced. Said recall petition shall be returned and filed with the town clerk within 20 days

35 after the completion of the copies of the petition blanks, and shall have been signed by at least 15
36 per cent of the registered voters of the town as of the date of the most recent town election.

37 The town clerk shall, within 24 hours of receipt, submit the petition to the registrars of
38 voters in the town, and the registrars shall, within 5 working days, certify thereon the number of
39 signatures which are names of registered voters of the town.

40 SECTION 4. Said section 3-12 of the charter is hereby further amended by striking out
41 subsection (c) and inserting in place thereof the following subsection:-

42 (c) Recall Election. If the petition shall be found and certified by the board of registrars
43 to be sufficient, the town clerk shall submit the same with a letter of notice to the selectmen
44 within 5 working days, and the selectmen shall, within 5 working days, give written notice of the
45 receipt of the petition to the officer sought to be recalled and shall, if the officer does not resign
46 within 5 days thereafter, forthwith order an election to be held on a date fixed by them not less
47 than 60 and not more than 90 days after the date the election is called; provided, however, that if
48 any other town election is to occur within 100 days after the date of said certificate, the
49 selectmen shall postpone the holding of the recall election to the date of such other election. If a
50 vacancy occurs in said office after a recall election has been ordered, the election shall not
51 proceed as provided in this section and notice shall be provided of the cancellation on the town's
52 website, be posted in such locations as would the warrant for a town meeting, and through
53 whatever other means the board of selectmen deems appropriate.

54 SECTION 5. Subsection (f) of said section 3-12 of said charter is hereby amended by
55 striking out the words "90 days" and inserting in place thereof the following words:- one year .

56 SECTION 6. Subsection (g) of said section 3-12 of said charter is hereby amended by
57 striking out the words “ while recall proceedings were pending against such person” and
58 inserting in place thereof the following words:- after the filing of a recall petition under
59 subsection (b)(ii) of section 3-12.

60 SECTION 7. Said subsection (g) of said section 3-12 of said charter is hereby further
61 amended by striking out the words “one year” and inserting in place thereof the following
62 words:- 2 years

63 SECTION 8. This act shall take effect upon its passage.